**THE HON'BLE SRI JUSTICE C.V.RAMULU**

W.P.No.5678 of 2005

Dated:10.07.2007

Between
The Management of M/s.Soft Foam Industries Private Limited, rep., by its Chief Executive Officer.

.....Petitioner

and

1.B.Sudhakar and another.

…Respondents

**THE HON'BLE SRI JUSTICE C.V.RAMULU**

W.P.No.5678 of 2005

ORDER:

This writ petition is filed seeking a Mandamus to declare the award passed in I.D.No.235 of 2003 dated 15th September, 2004 on the file of the Labour Court-I, Hyderabad, as arbitrary and illegal.

It appears that when the services of 1st respondent were terminated, he filed a claim petition under Section 2-A (2) of the Industrial Disputes Act, 1947 before the Labour Court-I , Hyderabad. Despite service of notice on the petitioner-Management, it did not appear before the Labour Court nor any counter was filed. Under those circumstances, the Labour Court passed an *ex parte* award directing the petitioner-Management to

reinstate 1st respondent-workman with continuity of service and attendant benefits, but without back wages. The Labour Court has not given any reasons for passing such an award except stating that "the oral termination of the petitioner-workman by the respondent-Management herein on 10.11.2002 is hereby set aside and the petitioner is ordered to be reinstated into service by the respondent within one month from the date of publication of Award. He shall be entitled for continuity of service and attendant benefits but without back wages. Award is passed accordingly."

I have gone through the impugned award and other material made available on record.

Learned counsel for the petitioner-Management has given a cheque for Rs.30,000/- to the learned counsel for the respondent-workman towards wages under Section 17-B of the Industrial Disputes Act, which were not paid during pendency of the

writ petition.

I am of the opinion that no reasons have been furnished by the Labour Court while passing the impugned award. There is no discussion as to what exactly was the case of the respondent-workman before the labour Court etc.,

Under those circumstances, I deem it appropriate to set aside the impugned award and remand the matter to the Labour Court for fresh consideration after putting all the parties on notice and decide the same within a period of six months from the date of receipt of a copy of this order.

Writ petition is allowed accordingly. No costs.

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10-07-2007

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